SHRI GURUDAS DAS GUPTA: Madam,*

THE DEPUTY CHAIRMAN: Mr. Das Gupta, you have said enough. Please sit down.

SHRI ARANGIL SREEDHARAN: *
SHRI KAPIL VERMA:*

THE DEPUTY CHAIRMAN: No augments. Please sit down. When a very important neighbouring country's Premier is coming to our country, we wholeheartedly welcome him. The entire House agrees and we hope that this visit... (*Interruptions*).

श्री सत्य प्रकाश मालवीय : (उत्तर प्रदेश) : मैडम,...

उपसभापति : आप पार्लियामेंट्री अफेयर्ज के मिनिस्टर थे, आप भी इन्टरप्ट करते हैं ।

I am not allowing. While I am speaking, I will not permit. Please sit down. Nothing except welcome. I will not permit.

SHRI MENTAY PADMANABHAM (Andhra Pradesh): *

SHRI SATYA PRAKASH MALAVIYA: *

SHRI RAM AWADHESH SINGH (Bihar): *

THE DEPUTY CHAIRMAN: I am not allowing anything.

SHRI MENTAY PADMANABHAM:*

THE DEPUTY CHAIRMAN: Let me give my opinion on your suggestion or that of anybody else.

आपके घर में कोई मेहमान आता है तो आप उस पर "इफ्स एंड बट्स' लगाते हैं ? हमारे घर में कोई मेहमान आया है हम उसकी अगवानी करते हैं और यह उम्मीद करते हैं कि हमारे और चाईना के ताल्लुकात और बढ़ेंगे । That is all. Only that much will go on record. What he says is not going on record. I am not permitting him.

SHRI MENTAY PADMANABHAM:*
SHRI ARANGIL SREEDHARAN:*

उपसभापति : मंत्री जी बोलिए । कमलनाथ जी, बोलिए ।

SHRI RAM AWADHESH SINGH:*

THE DEPUTY CHAIRMAN: Anything which is being said now is not going on record. Anybody who speaks except the Minister is not going on record. I want to make it very clear. Ram Awadheshji, please sit down.

SHRI RAM AWADHESH SINGH:*

उपसभापति : बिल्कुल नहीं चलेगी । आप बैठ जाइये । ... (**व्यवधान**) आपके घर में कोई मेहमान आए तो आप.... (**व्यवधान**)

बोलिए कमलनाथ जी ।

THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS (AMENDMENT) BILL, 1991

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): Madam Deputy Chairman, I move:

> "That the Bill to amend the Water (Prevention and Control of Pollution) Cess Act, 1977, as passed by the Lok Sabha, be taken into consideration."

Madam, this Bill seeks to augment the resources of the Central and State Pollution Control Boards and to encourage economy in the use of water for abatement of pollution.

उपसभापति : राम अवधेश जी, आपको बात करनी है तो आप लॉबी में जाकर बात करिए । मंत्रीजी को डिस्टर्ब मत करिए ।

*Not recorded.

श्री राम अवधेश सिंह (बिहार) : मंत्री जी हम लोगों के लिए हैं या हम मंत्रीजी के लिए हैं ?

उपसभापति : आप उनकी बात सुनिए ।

SHRI KAMAL NATH : Madam, with the passing of the Environment (Protection) Act, 1986 and the rapid expansion of industries and towns, the responsibility and workload of the Pollution Control Boards have increased considerably. The funds available with these Boards have not kept pace with the increase in cost and with the overall commitments which involve increased financial liabilities. The cess rates fixed in 1971 were low and have not been revised so far. The State Governments and the Central and State Pollution Control Boards have emphasised the need to raise the existing cess rates and also to remove other lacunae in the Act for its better implementation.

The existing rates of cess have been in operation for over 12 years. On account of inflation the rates specified in the Act are inadequate to meet the requirements of the Boards. The existing rates of cess are proposed to be doubled and a provision is also made for enhanced rates where any specified industry or local authority liable to pay cess fails to comply with the provisions relating to consent under the Water (Prevention and Control of Pollution) Act, 1974 or any of the standards laid down by the Central Government under the Environment (Protection) Act, 1986.

The present provision of rebate of 70 per cent where a person or local authority has installed an effluent treatment plant has led to misuse. Often the industries claim a rebate merely on the installation of the effluent treatment plant even though it was not made fully functional and the effluents did not meet the prescribed standards. As per the provision, rebate is being reduced from 70 per cent to 25 per cent. It is also intended that a person or local authority shall not be entitled to a rebate if water in excess of the prescribed quantity is consumed or the provision relating to consent under the Water (Prevention and Control of Pollution) Act, 1974 or the standards laid down by the Central Government under the Environment (Protection) Act are not complied with. The Bill also seeks to provide for an enhanced rate of interest for delayed payment of the cess amount.

The Bill also seeks to empower officers and the authorities collecting cess to make assessment on the amount of cess where no return is filed. The Bill has been drawn up as a result of exhaustive consultations with the Central and State Pollution Control Boards and other Ministries and Departments.

With these words I seek the permission to move the motion.

The question was proposed.

उपसभापति : श्रीमती कमला सिन्हा । आपके 13 मिनिट हैं और दो नाम दिए गए हैं । दो बोल नहीं सकते हैं, इसलिए या तो आप ही बोल लीजिए नहीं तो आप अपना टाइम डिवाइड कर लीजिए ।

श्रीमती कमला सिन्हा (बिहार) । उपसभापति महोदया, मंत्री महोदय यह "द वॉटर (प्रिवेंशन एंड कंट्रोल ऑफ पॉल्यूशन) सेस (एमेंडमेंट) बिल, 1991 लाए हैं । महोदया, 1974 और 1977 में जो विधेयक आया था, उसमें पॉल्यूशन कंट्रोल बोर्डस को और सशक्त बनाने के लिए और सेस को बढ़ाने के लिए यह विधेयक है । महोदया, मैं आपकी इजाजत से यह कहना चाहूंगी कि नया विधेयक तो इन्होंने लाया जरूर है और हर बार जब आवश्यकता होती है तो विधेयक में एमेंडमेंट भी आता है, लेकिन जो पुराने विधेयक हैं उनमें भी इनको काफी शक्ति प्रदत्त हैं । मैं 1977 के विधेयक से क्लाज नंबर–4 कोट करना चाहूंगी ।

Section 4(1) reads as under :

> "For the purpose of measuring and recording the quota of water consumed, every person carrying on any specified industry and every

[श्रीमती कमला सिन्हा]

local authority shall affix meters of such standards at such places as may be prescribed. It shall be presumed that the quantity indicated in the meter has been consumed."

महोदया, इसमें पेनाल्टी का भी प्रोविजन है। क्लाज नंबर–14(1) में है :

"Return be furnished under this Act, false returns punishable with six months' imprisonment or with a fine of Rs. 1,000 or both. Failure to pay cess under this Act will lead to the punishment cited above."

"...The court shall take cognizance of an offence punishable under this section, say on a complaint made by or under the authority of Central Government."

उसके बाद और भी है

"Notwithstanding anything contained in this sub-section, if there is an offence under this Act committed by a company and it is proved that this offence has been committed by a company with consent or connivance or attributed to any neglect on the part of any director, manager, secretary or any officer of the company, they shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

इन्वायरमेंट प्रोटेक्शन ऐक्ट में भी, महोदया, मैं कोट करना चाहूंगी, उसमें भी काफी शक्ति प्रदत्त है। चेप्टर "दो" क्लाज "पांच"—

"Notwithstanding anything contained in other laws but subject to the provision of this Act the Central Government may in excercise of its powers and performance of its functions under this Act issue direction in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such direction."

उसके बाद और भी है,—

"No person carrying on any industry or operation of profit shall discharge or be permitted to discharge any environmental pollutant in excess of such standards as may be prescribed."

मैं यह बताना चाहती हूं कि कानून अपनी जगह पर काफी सशक्त है, लेकिन सरकार ने शक्ति से कानून के प्रोविजन्स को अब तक लागू नहीं किया है।

महोदया, मैं अपनी बात को कहते हुए यह कहना चाहूंगी कि अगर हम देखेंगे कि पोल्यूशन क्या है ? तो, मंत्री महोदय ने पोल्यूशन के बारे में बताया है, हम भी जानते हैं, कि हमारे देश में जितनी नदियां हैं, भारतवर्ष नदी-मातृक देश है, हम नदियों की पूजा करते हैं, हम मंत्र पढ़ते हैं—गंगा के जमुना के गोदावरी सरस्वती नर्मदा, कावरी, नदियों को हम प्रणाम करते हैं। गंगा को प्रणाम करके हम कहते हैं—"पतित पावनी गंगे"। लेकिन, आज गंगा इस देश का सबसे बड़ा स्वरेज है। गंगा के किनारे जितने शहर हैं, उनकी गंदगी से गंगा भर चुकी है। कल ही रात को टेलीविजन पर एक प्रोग्राम आ रहा था—गंगा के प्रदूषण को दूर करने के बारे में। उसमें कहा गया है कि आज गंगा सबसे प्रदूषित नदी है।

एक माननीय सदस्य : मंत्री जी को सुनने का मौका दीजिए।

श्रीमती कमला सिन्हा : मंत्री जी को सुनने का समय नहीं है। शायद मंत्री जी समझते हैं कि सब बात उनकी जानकारी में ही है।

श्री कमल नाथ : मैं यहां बैठकर कर क्या रहा हूं। ... **(व्यवधान)** ...

श्रीमती कमला सिन्हा : आप बात कर रहे हैं मंत्री जी, इसलिए।... **(व्यवधान)** ...

श्री कमल नाथ : मैं अपनी जगह में ही बैठा हूं ।...

श्रीमती कमला सिन्हा : तो मैं यह कह रही थी कि गंगा हमारे देश की सबसे बड़ी प्रदूषित नदी हो चुकी है । उसमें स्नान करने लायक जल रहा ही नहीं, पीने लायक भी नहीं है । लेकिन, आज भी हमारे देश में 80 प्रतिशत लोगों की यह मान्यता है कि गंगा में स्नान किए बगैर स्वर्ग नहीं जाया जा सकता है । गंगा एक्शन प्लेन के बारे में आपने कुछ बात की, अभी थोड़ी देर पहले प्रश्नोत्तर काल में आपने कुछ जानकारी भी सदन को दी । मैं आपसे कहना चाहूंगी कि हमारे देश में प्रदूषण के कारक देखने होंगे । यह सही है कि आबादी बहुत बढ़ गई है और यह भी सत्य है कि हमने विकास के नाम पर इतने सारे कल-कारखाने लगाए हैं । लेकिन, यह कारखाने ज्यादातर नदियों के किनारे हैं और वह अपनी एफल्युण्ट नदी में ही बहाते हैं । कहीं-कहीं पर सरकार के प्रोविजन को मानकर ट्रीटेड एफल्युण्ट बहाते है और कहीं-कहीं पर बिना ट्रीटेड एफ्युण्ट ही बहाया जाता है, जिसके कारण आज नदियों का पानी इतना दूषित हो चुका है कि उसमें अगर कोई स्नान करे तो तरह-तरह के चर्मरोग, तरह-तरह की बीमारी हो जाती हैं ।

महोदया, आज हम जानते हैं इस बात को, कि दुनियां में जितनी सभ्याताएं पनपी हैं, वह सब नदी के किनारे ही पनपी हैं । यह ऐतिहासिक सत्य है । आप अगर देखें नील नदी की सभ्यता, गंगा-जमुना के किनारे की सभ्यता, इण्डस नदी की सभ्यता, टाइग्रिस नदी की सभ्यता सारी नदी के किनारे ही लोग बसते रहे आबादी बढ़ाते रहे और जीवन-यापन करते रहे । उसका कारण यह था कि नदी से आवागमन की सुविधा होती थी, पीने का पानी मिलता था, अपना दैनिक काम होता था । आज नदियों की स्थिति वह नहीं रही, हमने अपनी नदियों को इतना प्रदूषित कर दिया है कि आज जीवन दूभर हो रहा है । जो आज इंडस्ट्रियलइजेशन दिनों दिन बढ़ता जा रहा है, इसके भी कारण हैं और दूसरी तरफ जो हम उन्नत कृषि की तरफ जाते है, उन्नत खेती करते हैं, इसके कारण प्रेस्टिसाइड का इस्तेमाल होता है, तरह-तरह के कैमिकल्स का इस्तेमाल होता है और ये सब बारिश के बाद नदी में जा रहे हैं । नतीजा यह है कि नदी का जीवन, जिसको हम मैरीन लाइफ कहते हैं, वह भी धीरे-धीरे समाप्त होता जा रहा है और नदियों में मछलियां भी कम होती जा रही हैं । इतना ही नहीं प्रदूषित नदियां जो पानी लेकर जाती हैं, वह समुद्र में लेकर जाती हैं और समुद्र का पानी भी दूषित हो रहा है जिसके कारण वैज्ञानिक लोग कहते हैं कि ओजोन लेयर में कमी जा रही है, और ग्रीन हाऊस इफेक्ट भी बढ़ता जा रहा है । इस कारण धरती का तापमान ज्यादा होता जा रहा है, बर्फ पिघल रही है और समुद्र में जेल-स्तर ऊंचा जा रहा है । यानी धरती के जीवन को हम धीरे-धीरे कम करते जा रहे हैं । तो इस को ठीक करने के लिए अगर अपने घर में कुछ कड़ाई करनी है, तो अवश्य ही उसको करना चाहिए और मंत्री जी जो विधेयक लाए हैं, उसमें अगर कुछ कड़ाई कर देंगे तो बहुत अच्छी बात होगी ।

महोदया, मैं आपको बताना चाहूंगी कि भारतवर्ष में 80 प्रतिशत शहरों का जो पानी है, वह पानी जिसे शहरी लोग इस्तेमाल करते, हैं वह नाले में बहकर चला जाता है और वह नाले का जो पानी जाता है, वह अनट्रीटिड पानी जाता है । सीवेज में सफाई का कोई इंतजाम नहीं है, पानी को रिसाइकल करने का कोई इंतजाम नहीं है । तो एक तरफ तो हम यह कहते हैं कि जल ही जीवन है, जल के बगैर कोई प्राणी जीवित नहीं रह सकता और जल बहुत ही आवश्यक वस्तु है, लेकिन दूसरी तरफ वह इस तरह से बेकार जाता है । ऐसा भी नहीं कि हमारे पास अगाध जल का भंडार है । हमारे ही देश में, भारतवर्ष में अनेकों इलाके ऐसे हैं जहां पेयजल नहीं है । 8 लाख गांवों में, भारत के आधे गांवों में पीने का पानी नहीं है और शहरों में पानी की व्यवस्था उचित नहीं है । इस तरह से पानी का दुरुपयोग

[श्रीमती कमला सिन्हा]

करना उचित नहीं है, उस पानी को रिसाइकल करके इस्तेमाल किया जा सकता है । वर्ल्ड हैल्थ ऑरगेनाइजेशन की एक रिपोर्ट में यह बताया गया है कि तीसरी दुनिया, जिसमें भारतवर्ष भी एक है, में बीमारी का कारण गंदे पानी का पीना है । यह वैज्ञानिकों का कहना है, डाक्टरों का कहना है कि भारतवर्ष के तीन चौथाई लोग बीमार हैं । We are a sick nation.

और उनमें से अधिकांश की बीमारी पेट-रोग है—पेट का रोग, चमड़ी का ररोग । क्योंकि हम शुद्ध जल नहीं पीते हैं इस कारण बीमारी का शिकार होते हैं और जो ऊंचे तबके के लोग हैं, समाज के थोड़े से एक या दो परसेंट लोग ऊंचे तबके के हैं, वे तो अपने इलाज का इंतजाम कर लेते हैं, लेकिन अधिकांश लोग इलाज का इंतजाम नहीं कर पाते । इसमें गांव के लोग, खेतिहर मजदूर, असंगठित मजदूर, गरीब वर्ग, इस तरह से लगभग 25 से 30 करोड़ लोगों का इलाज का कोई इंतजाम नहीं है और वे बीमारी में मरते हैं । इसमें भी एक बहुत आवश्यक कदम मंत्री जी को उठाना पड़ेगा कि इस दिशा में वे क्या करेंगे ? शुद्ध पेयजल देना नितांत आवश्यक है ।

महोदया, मैं आपको यह बताना चाहूंगी कि हमारे यहां पर पौल्यशन के कारण तो मंत्री जी को मालूम है क्योंकि उन्होंने कई बार इस विषय में बात की है, मैं उसको दोहराना नहीं चाहती, मैं केवल इतना ही जानना चाहूंगी कि वे सीवेज ट्रीटमेंट की सभी शहरों में क्या व्यवस्था कराएंगे ? प्रत्येक शहर के नाले का पानी जो जाता है—गंदा पानी, उसको ट्रीट करके क्या रिसाइकल कराने की व्यवस्था कराएंगे ? जैसे गंगा के बारे में इन्होंने कहा कि गंगा एक्शन प्लान का फर्स्ट फेस 1985 से शुरु हुआ । गंगा एक्शन प्लान को आज तक अगर देखा जाए तो it has been a total failure.

राजीव जी ने इस स्कीम का उद्घाटन किया था । उनकी यह कल्पना थी और मैं यह जानती हूं कि अगर इसको किया जा सकेगा तो इससे राजीव जी की कल्पना को साकार किया जाएगा । इसलिए महोदया, मैं आपसे कहना चाहूंगी... (व्यवधान)...

SHRI CHHOTUBHAI PATEL (Gujarat): Madam,...

THE DEPUTY CHAIRMAN: Don't interrupt. You have a chance to speak. I have got your name in my paper.

SHRI CHHOTUBHAI PATEL: She is saying that the Ganga Action Plan is a total failure.

उपसभापति: जब आप बोलें तो आप उन्हें काउंटर कर दीजिएगा । आपका नाम है मेरे पास । It is her opinion. I don't objected to her opinion.

श्रीमती कमला सिन्हा: तो महोदया, मैं आपसे यह कहना चाहती हूं कि गंगा में जो नदियां जाती हैं, उनकी जो ट्रिब्यूटरीज हैं, जब तक उसको शुद्ध नहीं करेंगे तो केवल गंगा को शुद्ध करने से काम नहीं चलेगा । मैं यह बता सकती हूं, बिहार में नदियां हैं—स्वर्ण रेखा, दामोदर और सोन, यह हब नदियां अपना पानी लेकर गंगा में जाती हैं और उत्तर भारत की जितनी नदिया हैं—छोटी-बड़ी यह सब गंगा में जाती हैं । इनके पानी में इतनी गंदगी है कि गंगा को आप साफ करें और इनको साफ नहीं करें तो फिर कोई फायदा होने वाला नहीं है । मैं आपसे यह कह रही थी, कि वर्ल्ड हैल्थ आर्गनाइजेशन ने यह कहा कि इस देश के ढाई करो लोग हर हाल पानी की बीमारी के कारण मरते हैं और हम सारे लोग गंदा पानी ही पीते हैं । सुप्रीम कोर्ट ने पिछले जनवरी में एक फैसला सुनाया था । उसमें सुप्रीम कोर्ट ने यह कहा था कि आर्टिकल–21 आफ दी कंस्टीट्यूशन यह कहता है :

"Right to live is a Fundamental Right under Article 21 of the Constitution. It includes the right of enjoyment of pollution-free water and air for full enjoyment

of life. If anything endangers or impairs that quality of life in derogation of the laws, a citizen has the right to have recourse to Article 32 of the Constitution for removing the pollution of water or air detrimental to the quality of life".

तो महोदया, सुप्रीम कोर्ट ने भी एक फैसले के जरिये कहा है कि मनुष्य का यह अधिकार है--स्वच्छ जल पीने का और उसको सांस लेने के लिये स्वच्छ हवा चाहिये। यह विधेयक में आप जो संशोधन लाये हैं, उसमें मुझे कोई आपत्ति नहीं है। लेकिन मैं केवल इतना कहना चाहती हूं कि अभी हमारी जो नयी अर्थ-नीति आयी है, जो नयी इण्डस्ट्रियल पौलिसी आयी है उसमें फ्री इण्डस्ट्रियलाइजेशन का इन्होंने, दरवाजा खोल दिया है, नये-नये उद्योग लगेंगे। एक तो हमारे यहां उद्योगों के कारण वाटर पौल्यूशन हो रहा है। कानपुर को देख लीजिये, पटना को देख लीजिये, कलकत्ता को देख लीजिये, नदी के किनारे जो शहर बसे हुये हैं, गंदा पानी व गंदगी से गंगा को गंदा कर रहे हैं। दामोदर के किनारे जितने कोल वाशरिज़ हैं, कारखाने हैं, थर्मल पावर्स हैं, उन सबने दामोदर के पानी को गंदा कर दिया। एक-एक नदी का पानी गंदा हो चुका है, स्वर्ण रेखा का पानी गंदा हो चुका है। और अब जो नयी तकनीक के जरिये कल-कारखाने खोले जायेंगे, क्या आप यह गारंटी दे सकते हैं कि वह सारे लोग आपका जो कानन है--ऐन्वायरन्मेंट प्रोटेक्शन एक्ट और आपका यह कानून, यह दोनों कानन के तहत पहले वाटर ट्रीटमेंट का प्लांट लगायेंगे, स्वच्छ पानी के एफ्लुएंट को गिरायेंगे, क्या मंत्रीजी आप इसकी गारंटी लेते हैं ? और क्या आपका पैनल प्रोविजन जो इसमें आप बढ़ा रहे हैं, आपने सैंट्रल पौल्यूशन बोर्ड को सशक्त करना चाहते हैं और स्टेट पौल्यूशन बोर्ड को अधिकार देना चाहते हैं, तो क्या आप उनका सारे इन्फ्रास्ट्रक्चर को भी बदलेंगे, क्योंकि रि-स्ट्रक्चरिंग नहीं करेंगे तो आपके जो सैंट्रल वाटर बोर्ड हैं, पौल्यूशन कंट्रोल बोर्ड हैं, यह स्टेट में भी हैं, उनके पास न तो साधन हैं, छोटे-छोटे दफ्तर हैं, उनके काम करने का कोई तरीका नहीं है। तो इससे काम नहीं चलने वाला है। अगर आप सचमुच में शक्तिशाली बनाना चाहते हैं तो फिर इनको करना चाहिये। इसमें जो छोटे-छोटे कर्मचारी हैं, वह तो इण्डस्ट्रियलिस्ट के पैसे पर बिकने वाले हैं और आज तक बिकते रहे हैं। तो इस धंधे को बंद करना पड़ेगा। रिट्रेन्जेंट पैनल प्रोविजन आपको इसमें लाना चाहिये... **(व्यवधान)**

उपसभापति : कमला जी, आपका टाईम खत्म हो गया।

श्रीमती कमला सिन्हा : तो महोदया, मैं यह कहना चाहती हूं कि यह स्ट्रिन्जेंट पैनल प्रोविजन भी इसमें लाना चाहिये और जितनी म्यूनिस्पैलिटीज हों, जितने कल-कारखाने हों, वे अगर प्रोविजनों को नहीं मानते हैं तो उनको तत्काल सजा देने का इसमें प्रोविजन करना चाहिये। इस कानन में कई जगह एक शब्द--"ट्रेड" कहा है। मैं अमेंडमेंट लाती, लेकिन मैं नहीं लायी। ट्रेड को बदलकर वहां इंडस्ट्री लिखना चाहिये था, क्योंकि ट्रेड से तो व्यापार होता है और इण्डस्ट्रियल एफ्लूएंट के कारण गंदगी बढ़ता है। ट्रेड से एफ्लुएंट नहीं होता है, तो उस जगह में इंडस्ट्री लिखना चाहिये। धन्यवाद।

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu) : Madam, I am aware of the shortage of time and, so I am going to make very pointed and brief suggestions to the hon. Minister. But, Madam, before I can go ahead, I would like to place on record that this being such an important Bill, I wish that we were not passing it in such a hurry. I wish it was not being passed on the last day... (*interruptions*)...

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh) : Madam, I associate myself with her... (*Interruptions*)...

SHRI MENTAY PADMANABHAM (Andhra Pradesh) : Madam, in fact, we

[Shri Mentay Padmanabham]

had requested the Business Advisory Committee to allot more time for discussing this Bill I don't know why so little time has been aliotted... (*Interruptions*)...

THE DEPUTY CHAIRMAN : Whatever time that has been allotted, it is the consensus decision of the committee. You are a Member of the committee and now you cannot say that the Business Advisory Committee took a wrong decision... (*interruptions*)... Ms. Jayanthi Natarajan also knows the problem. I have explained it to her. The Bill, since it is a Money Bill, has to go back to the Lok Sabha today before it rises. That is the reason why we are passing it today. I would request the Members to make their points briefly. (*Interruptions*)...Your speech you don't to explain how dirty the Ganga is; the Minister knows that better. Confine yourself to important points... (*Interruptions*)

SHRIMATI JAYANTHI NATARAJAN : Water pollution has agitated the minds of all of us because civilization began on waterways. It was in 1388, Richard II had Passed a law prohibiting water pollution in England. From that day onwards, so many laws have been passed, but in spite of these laws, very little awareness has been actually generated. The World Health Organisation went into this in great detail in 1955 and the expert committee on water pollution came to the conclusion that although industrialised countries were contributing a great deal towards water pollution in the world, in future it would be the developing countries that are going to face this problem. In fact, it has been said that the developing countries would be contributing much more than all the developed countries.

We also know that 80 per cent of the diseases are water-borne. These are shocking details that I want to share with the House before I could continue with my specific idea. Eighty per cent of the diseases are water borne. These diseases are transmitted by water. It is said that if we assume all the water that is in the world as equal to one gallon, only two litres of its water is considered to be safe. Aurther point that I would like to raise if about the environment Vs. development debate. In fact, there is no longer a debate on this issue. There cannot be a fight or confrontation between environment and development. We all know that sustainable development will have to take into account the environment and unless this is done, development itself will be meaningless. If we feel that environment, or the Environment Ministry, environmental guidelines or safeguards will be stumbling blocks in the face of development, I would like to say that such a development is meaningless where environment is not take care of. At the same time we should take care that while passing such Bills, environment does not become a stumbling block in the process of development. No sensible environment law or rule would in fact, be a stumbling block. Madam, I would like to illustrate my point. The NEERI has found that 70 per cent of India's inland water is unfit for human consumption and this leads to a loss of 73 million working days every year costing the national exchequer more than Rs. 600 crores per annum. This is because the water is polluted. The question of pollution of water is as important to the national exchequer as that of setting up of an industry or something else. Madam, legislation is important for pollution control. But legislation itself does nothing to safeguard the quality of a river or the quality of water. There has to be a concerted action by the Government, by the industry and also the public at large. It is only then that legislation could become a tool, an effective tool, by which environment could be properly safeguarded from further deterioration. Madam, again the World Health Organisation Expert Committee on Water pointed out that countries with too severe loss against water pollution have to avoid the occurence of the pollution. This is because — I go back to what I said earlier—if you say that you can't control water pollution at all, then this is regarded as something that will totally stop industrialisation. This is not accepted in this urbanised and industrialised society which we have today. So, the accent has to be on sustainable development. You have to aim at pollution control. You can't prevent pollution. So, you have to aim at pollution control and this is

what I want to emphasise. As I said, it has to be an integrated approach. If it is an integrated approach, then you have to take into account two or three things. One is prevention of pollution at source. I am sure the hon. Minister would do that. The Act had already begun to do that. Secondly, waste management. The most important aspect of water pollution is that of waste management. Waste has to be managed. We have to see that this is recycled. This is why I welcome the measures taken in this Act by which they have separated this into various tires. The third important aspect that I have to point out is about water control and water pollution. Water has to be conserved. Water is not something that will go on for ever. Water is not available for eternity. Water has to be conserved. I would like to place it on record straight away that this Act is very welcome because it separates industries into those that conserve water. It gives in a particular rebate. It recognises the fact that they conserve water. It separates those industries which have better waste management techniques and gives them a separate kind of reduction. This is something vital. This has to be done. We can't over-emphasise the importance of conservation of water. As far as the Industrial Policy is concerned, I would like to know as to why no safeguards have been made. I would like to know whether the Government is considering the fact that when it did extensive deliconsing and when it wound up all the licensing, why it gives licences to industries which waste water. Water is already scarce. When you are bringing an Act like this where you are giving special rebate to water conserving industries, why do you give licences to industries that waste water, that use a lot of water? This has to be taken up very seriously. You have to stop giving licences to such industries or consider very seriously before giving licences to industries that are water-intensive because by this you are just making the problem more acute. Now, since this law has been passed in 1974, what have we done? The Bill relates to the levying of a cess. Because the scope of the Bill is very narrow, levying the cess is not a deterrent. There are two parts of it. Merely raising the money and levying the cess is not a deterrent to pollution. It is no way by which pollution can be controlled.

You say in your objects and reasons that you are lavying the cess because the State Boards and the Central Boards have run out of money. You want to collect money. You want to make sure that this money is used for pollution control. I am sorry. I personally do not agree to this philosophy. First of all, pollution control is not a work that you pass on to the people. You cannot collect money from the people by levying a cess and give it back to the Pollution Control Boards so that these Boards can use that money for pollution control.

I am conscious of the lack of time. So, I am being very brief. It is vital that money has to be set aside in the Eighth Plan. The Government has to accept its own responsibility and set aside money in the Eighth Plan. Secondly, this is a part of the industry. So the industry that pollutes has to be responsible for the money. The industry that pollutes should include this cost as a part of the production costs so that the pollutant and the treatment plants are all installed at the cost of the industry itself and in this way you will not bring the burden to the domestic consumer.

A very important point that I want to bring to the notice of ths hon. House is that it is a tragic commentary on the Indian situation that till today, all the people of India do not have safe drinking water. It is an irony that we do not even have drinking water in many villages in the country, and you are imposing a cess on domestic conumption. I object to this cess. I don't think that cess is to be imposed on domestic consumption. You should tax the industry that pollutes. It is not the domestic consumer who pollutes water. There is absolutely no reason or rationale for this. I know the Minister is going to say that the message should go to the domestic consumers also that water is scarce and that water should be conserved. The domestic consumers who use metered water are not the people who are wasting the water. And most

[Shrimati Jayanthi Natarajan]

of the time water is not available. It is the people in the industries who are wasting the water and it is there that I demand stern action. I strongly object to raising the cess on the domestic consumers. I think that you should concentrate on the industry alone....

THE DEPUTY CHAIRMAN: Are you moving an amendment to it?

SHRIMATI JAYANTHI NATARAJAN: No, I am not moving an amendment but I expect the Minister to take note of it.

Now I have one final point to make. The Supreme Court in *Subhash Kumar's* case has now declared—it is a landmark case, an important case—that safe water and safe air are fundamental rights of the people. Till now only life and liberty were regarded as fundamental rights. Today they say even safe water is a fundamental right. Unfortunately in that case the person who moved it did not come to the court with clean hands. He had some other problem. We cannot use that as a constraint. But today it is a fundamental right of the people. It is up to all of us to make sure that we deliver this fundamental right to the people. We have to put this on the statute book. We must deliver this fundamental right to the people.

There was another case, *Andhra Pradesh Rayon* case. This is the last point which I want to focus on. Even though the Act was passed in 1974, even though your object is pollution control, only 15 industries are classified as polluting industries in the Act. Surely it needs to be redefined. When Andhra Pradesh Rayon was proceeded against by the AP Pollution Control Board, after extensive litigation on a technicality, because of a process of manufacture, even though the industry was a pollutant, the Supreme Court was forced to hold that it would not come under the Act. And they went scot-free. So it is important for Parliament to take this into consideration to see how these loopholes can be prevented. It is time that you redefined your category of 'dangerous industry'. Fifteen industries from 1974 till today in no way reflect the true reality of the situation.

Finally it is also a sad irony that many of the States have not set up their Pollution Control Boards have not ratified their legislations. The honourable Minister should assure us that he will see to it that all the State Governments take the pollution control laws very seriously. Once all the laws are passed, the States have to sit together with the Centre and formulate a uniform policy by which the people are assured of safe water and safe air. Thank you.

THE DEPUTY CHAIRMAN: I hope that point which Jayanthi Natarajan has made about domestic water cess would be noted and conveyed to the Minister concerned. That is an important point.

DR. R. K. PODDAR (West Bengal): Madam Deputy Chairman, I rise to support this Bill. Madam, my previous honourable colleagues have already emphasised that the richer the nation, the more the pollution it produces. And even within a nation the richer sections are responsible for more pollution they produce. There is an environment movement. The current slogan is 'Polluter must pay? And I congratulate the Government that it has taken a hesitant step in that direction. Those who pollute more should pay more. I also welcome the laudable objective of the Bill namely, augmentation of the resources of the Central and State Pollution Control Boards. I also thank the Minister for accepting certain suggestions in this regard made from various quarters. I would, however, have been happier if the Minister had kindly indicated the extra amounts that the various Pollution Control Boards would gain by virtue of this measure. I must express my apprehension that the good intentions of the Government have all the likelihood of being bogged down in court cases unless the rules made under this Act are framed in an objective and fool-proof manner and without much scope for subjective discretion of State officials. For example, the rules should specify which class of industries should pay how much of extra.

1.00 P.M.

water cess if they exceed the permissible pollution level or amount of water by a certain percentage, instead of just fixing the maximum, as has been done in the Schedule II under section 3 of the Act. Also, clear-cut listing of the processes that release easily or not-easily bio-degradable and toxic pollutants is necessary. Unless these steps are taken, the State and Central Pollution Control Boards will be confronted with appeals and court cases. These Boards are already bogged down in a large amount of litigation for years together. We were hearing for some time that the Union Government was contemplating the creation of a special Environmental Tribunal. This matter should be expedited. I would appreciate if the Minister comments on the present satte of affairs in this matter.

Madam, everyone knows that the Pollution Control Boards or the Environmental Protection Agencies of the developed countries are very powerful and they also posses high technological competence. Therefore, in general, the people in those countries have great respect for these agencies which are autonomous in the real sense of the term. Unfortunately, the situation in our country is far removed from that. In our country, neither the Government nor the Planning Commission is serious about the urgent need for strengthening the scientific and analytical capabilities of our pollution control laboratories and testing laboratories which are in dilapidated condition in most of the States with the result that our Pollution Control Boards depend mostly on private laboratories leading, in many cases, to corruption or court cases. I hope our young and energetic Minister will take up the task of redressal of this state of affairs with much greater vigour.

One of the inevitable consequences of the current economic liberalisation policies of our Government would be a massive attempt by the multinational corporations to shift more pollution-prone industries to the developing countries like ours and the least the Government could do is to insist that same pollution control measures as well as safety measures should be taken by the concerned multinational corporations if such an industry were set up in the metropolitan country itself. The Bhopal gas tragedy has given us the necessary warning. If the Union Carbide had taken the precautionary measures like those of the Company in the USA, there would not have been this biggest man-made industrial accident of this century.

Madam, something was mentioned about the Ganga Action Plan by some of my colleagues. Some say that it is the biggest achievement of the century, biggest achievement of the Government, which some others are not satisfied. I would like the Minister to tell us how many sewage treatment plants have been imported from the foreign countries for the Ganga Action Plan and how many of them are at present operating.

In this connection, I would like to say that many such sewage treatment plants were imported long before the Ganga Action Plan was taken up and most of them are lying unused or inoperative. I would like to know what the Ministry is doing to put those machines in order so that we will save some money, we will save foreign exchange. Also, in the Ganga Action Plan we can utilise some indigenous know-how. In some places, in the city from which I come, Calcutta, in its eastern region there is already a special technique, called sewage-fed fisheries, through which....sewage is treated and purified. ...(*Interruptions*). In our cities, 90 per cent of the pollution is organic waste which can be treated through such biological processes.

SHRI KAMAL NATH: I have nominated you to the National Ganga Board so that you can give me your advice.

THE DEPUTY CHAIRMAN: Just now you did it? Now it happened, in the House?

SHRI KAMAL NATH: No, no. In the past. Not in the House.

THE DEPUTY CHAIRMAN: I think many things are happening in the House without the permission of the Chair!

DR. R. K. PODDAR: Thank you, Mr. Minister. I am suggesting that we should not totally depend on foreign technology in this matter. Madam, we should rely on own technologies developed by our own scientists and our own experience.

Last point. In income-tax you usually give some standard deduction. So why not give some standard deduction here also? You can give some standard deduction to domestic users of water also, say, 200 litres per day per person.

With these words, I would like to conclude. I hope you, Mr. Minister, will give some extra funds to State Pollution Control Boards.

Thank you.

श्री सुरेश पचौरी (मध्य प्रदेश) : आदरणीय महोदया, मैं माननीय मंत्री जी द्वारा प्रस्तुत जल (प्रदूषण निवारण तथा नियंत्रण) उपकर (संशोधन) विधेयक, 1991 का समर्थन करता हूं और इस विधेयक को लाने के लिये, एक नया दृष्टिकोण अपनाने के लिये उनको बधाई देता हूं । इस विधेयक में प्रदूषण नियंत्रण बोर्डों के वित्तीय साधनों में वृद्धि करने तथा जल जो कि एक दुर्लभ प्राकृतिक संसाधन है के उपयोग में किफायत बरतने की मांग की गयी है । इस विधेयक में बढ़ी हुई दरों की व्यवस्था है और मुझे यह नोट करते हुए प्रसन्नता है जो इसमें दरों की दो श्रेणियां निर्धारित की गयी हैं। पहला स्टैंडर्ड का पालन करने वाली इंडस्ट्रीज और लोकल बाडीज के लिये तथा दूसरा स्टैंडर्ड का पालन न करने वालों के लिये । महोदया, घरेलू उद्योगों के लिये जल उपकर में केवल एक पैसे की वृद्धि की गयी है । लेकिन उन प्रक्रियाओं के लिये यह वृद्धि साढ़े तीन गुना करदी गयी है जो जल को पोल्यूट करते हैं, प्रदूषित करते हैं और जो प्रदूषक आसानी से बायोडेग्रेबल बन जाते हैं, उन प्रक्रियाओं के मामले में यह वृद्धि 3.8 गुना की गयी है । जिनके द्वारा जल प्रदूषित हो जाता है तथा जो आसानी के बायोडेग्रेबल नहीं होते, विषाक्त हो जाते हैं, इसके लिये यह एक युक्ति-संगत दृष्टिकोण है जो माननीय मंत्री महोदय ने अपनाया है । इससे इंडस्ट्री का पोल्यूशन रोकने के लिये प्रोत्साहन मिलेगा और वे रेस्पांसिबल, जो बहिस्राव शोधन संयंत्र हैं, वे इसका उपयोग करने के लिये प्रेरित होंगे । महोदया, हम सभी प्रदूषण के हानियों से अवगत हैं जो तेजी से बढ़ रहा है। पर्यावरण के प्रदूषण की समस्या न केवल हमारी राष्ट्र की समस्या है बल्कि यह एक अन्तरराष्ट्रीय समस्या भी है और इससे मानव जीवन के सामने एक गंभीर संकट पैदा हो गया है । जल का संरक्षण करने के लिए ठोस उपाय करना जहां जरूरी हो गये हैं तथा जल के निकायों की गुणवत्ता को बनाए रखना भी बहुत जरूरी हो गया है, समाज को बचाने के लिए यह जरूरी था कि हम एक ऐसा कानून बनाते और इसी बात को दृष्टि में रखते हुए माननीय मंत्री जी ने यह विधेयक प्रस्तुत किया है जो कि आज के समय की आवश्यकता है । लेकिन महोदया, केवल कानून बनाने से काम नहीं चलेगा । इसके लिए जन चेतना जागृत करनी होगी, जन वातावरण बनाना होगा और जन वातावरण के लिए जनता की भागीदारी हम को करनी होगी । हम लोगों का अपना यह ओब्जरवेशन है कि जो जल प्रदूषण हो रहा है वह सब से ज्यादा औद्योगीकरण से हो रहा है । मेरा कहने का मतलब यह है कि जिन नदियों के किनारे उद्योग स्थापित किये जाते हैं उन उद्योगों से जो सामान बनता है उसका जो रेजिडयु निकलता है उन कारखानों के किनारे जो नदियां और नाले रहते हैं उस में वह जाया करता है जिसके कारण पोल्यूशन होता है । इस पोल्यूशन की रोकथाम के लिए सरकार की तरफ से इस बात को इंगित किया जाना जरूरी है कि वह इंडस्ट्रीज जिनको लाइसेंस दिए जाएं वह इस प्रकार के संयंत्र पहले उन इंडस्ट्रीज में लगाएं ताकि पास बहने वाली नदियां में पोल्यूशन न हो पाए । एन०ई० ई०आर०आई० की जो रिसर्च है उसका यह निष्कर्ष है कि 70 प्रतिशत भूगर्भीय जल आज भी... (**व्यवधान**)

उपसभापति : मंत्री जी, आप जरा ध्यान दें, बहुत अच्छे सुझाव आ रहे हैं । It is an important Bill...

श्री कमल नाथ : सुन रहा हूं ।

THE DEPUTY CHAIRMAN: I am concerned with environment myself.

श्री सुरेश पचौरी : शोध का निष्कर्ष यह है कि लगभग 70 प्रतिशत भूगर्भीय जल मानवजीवन के लिए अनुपयुक्त हो गया है । वह जल मानव जीवन के लिए उपयोग में लाया जा सके इसके बारे में सरकार की तरफ से विचार किया जाना आवश्यक हो गया है । साइंटिस्ट्स के अनुसार देश के 142 जो बड़े नगर हैं उनमें से केवल 8 नगर एक लाख की आबादी के ऊपर हैं जहां पर्याप्त सिवरेज प्रणाली है । 62 ऐसे नगर हैं जहां आंशिक सिवरेज प्रणाली उपयोग में लाई जा रही है । जो शेष 72 नगर हैं वहां पर्याप्त सिवरेज सिस्टम नहीं है । इसकी वजह से भी पानी में वह के नगर का जा मल वगैरह बहता है वह नदियों में चला जाता है । पर्याप्त सिवरेज प्रणाली न अपनाए जाने की जवह से नदियों में पोल्यूशन होता है । उसकी वजह यह होती है कि उस जल का सेवन मानव करता है, जीव-जन्तु करते हैं, वह अनेक प्रकार की बीमारियों के शिकार होते हैं । यह इन बीमारियों का शिकार न हों इसके लिए यह आवश्यक है कि हम अच्छी सिवरेज प्रणाली विकसित करें । मध्य प्रदेश में तीन प्रमुख नदियां हैं । सब से ज्यादा यदि पोल्यूशन होता है तो वह बेतवा से होता है । मंडीदीप में जितनी भी इंडस्ट्रीज गई हैं वहां इस प्रकार का सिस्टम अडाप्ट नहीं किया जा रहा है जिसकी वजह से जो रेजिडयु निकालते हैं वह पास बहने वाली बेतवा नदी में सीधे चले जाते हैं । इस नदी के आसपास जो छोटे छोटे गांव और कसबे हैं वहा पर जो जल बहता है वहा के लोगों के लिए यह दुविधा की स्थिति हो गई है कि वे उस जल का सेवन नहीं कर पा रहे हैं । इस प्रकार से वहां कई प्रकार की बीमारियां फैल रही हैं । मैं कहना चाहूंगा कि देश की लगभग पांच हजार बड़ी और मीडियम इंडस्ट्रीज धरातलीय और भुगर्भीय जल को प्रदूषित करने की अपावन कार्य में लगी हुई हैं । इसका सब से बड़ा कारण यदि कोई है तो वह अनट्रिटेड ह्युमन वेस्ट से पैदा होने वाला प्रदूषण है । इसलिए बेकार अवशेष शोधन संयंत्र इंडस्ट्रीज में लगाए जाऐं, इस प्रकार की इंस्ट्रक्शंस माननीय मंत्री जी उन संबंधित इंडस्ट्रीज को दें जिनको लाइसेंस दिया जाता है । दुनियां के अन्य देश भी हैं जैसे सिंगापुर और जापान में इस प्रकार का सिस्टम डवलप किया गया है । इसके अलावा मैं कुछ विनम्र सुझाव भी देना चाहूंगा । सरकार को उन उद्योगों को करों में छूट देनी चाहिये जो इस प्रकार के संयंत्र अपनी इंडस्ट्रीज में लगाते हैं । जिनसे कि जो अवशिष्ट होता है उसका शोधन हो जाया करता है । इस प्रकार के संयंत्र जो इंडस्ट्रीज लगाती हैं उन्हें करों में छुट दी जानी चाहिए । प्रदूषण की रोकथाम और नियंत्रण के लिए सरकार एक अलग कोष का सृजन कर सकती है जिसके माध्यम से प्रदूषण निरोधक संयंत्रों के पुनर्वित्त की सुविधा उपलब्ध करायी जा सके तथा इस विधेयक के प्रभावी क्रियान्वयन के लिए अलग से आपके विभाग में एक उपविभाग का भी गठन किया जा सकता है जो इस प्रकार की मानटरिंग करे कि उन इंडस्ट्रीज में इसे प्रकार के संयंत्र लगाये जा रहे हैं कि नहीं । ऐसी कौन कौन सी इंडस्ट्रीज हैं जिनमें इस प्रकार के संयंत्र नहीं लगाये जाने से उनके खिलाफ क्या कार्यवाही की जा रही है क्योंकि जो स्टेट पौल्यूशन बोडस बने हैं, कोई स्टेट्स में ऐसी व्यवस्था है कि मंत्री ही स्टेट पोल्यूशन बोर्ड के चेयरमैन बने हुए हैं । इसलिए कई जगह जो मंत्रियों की कृपा से लाइसेंस मिलते हैं और स्टेट पाल्यूशन बोर्ड के वे ही चेयरमैन हैं तो वे पाल्यूशन कंट्रोल करने के लिए कोई कदम उठायें, ऐसी उम्मीद नहीं की जा सकती हैं । तो मैं उन राज्यों की तरफ विशेष मंत्री जी का ध्यान आकर्षित करना चाहता हूं जो मंत्री ही स्टेट पाल्यूशन बोर्ड के चेयरमैन हैं । यहां से ऐसी हिदायत दी जानी चाहिए कि स्टेट पाल्यूशन बोर्ड के जो चेयरमैन हैं वे मंत्री न रहें बल्कि वे सेपरेट रहें ताकि पाल्युशन जो न केवल देश की बल्कि विश्व की समस्या बन गया है .. (व्यवधान) हमारे स्टेट में तो मंत्री जी को पता है । लेकिन बहुत सारी स्टेट्स हैं उसका मंत्री जी जवाब देंगे ।

[श्री सुरेश पचौरी]

यहां से ऐसे इन्स्ट्रक्शंस दिये जाएं कि मंत्री स्टेट पाल्यूशन बोर्ड के चेयरमैन न रह पायें ।

इसके अलावा शहर की गंदगी को नदी में मिलाने की अपेक्षा उसका शोधन करने के लिए शोधन संयंत्र हर शहर में उपलब्ध कराना, जल का उपयोग करने वाले उद्योगों को स्पष्ट रूप से जल शोधन के प्लांट लगाने का निर्देश देना, पुराने उद्योगों में ऐसे संयंत्र तेजी से स्थापित करना और नये उद्योगों के साथ भी मुख्य शर्त बनाना, ग्राम पंचायतों और नगरपालिकाओं की मदद से जो नदियों में शव वगैरह लोग बहा देते हैं जिसकी वजह से कीड़े मकोड़े, चील, कौव्वे, कुत्ते आते हैं और शव को खाते हैं, उससे भी जल प्रदूषित होता है, गंदगी हो जाती है, शव जब सड़ता है उससे भी नदी का पानी काफी विषाक्त हो जाता है और आम लोग उसका सेवन करते हैं, इन सबकी व्यवस्था होनी चाहिए । ऐसा वातावरण बनाया जाए कि इस प्रकार के सब लोग प्रवाहित न करें । इस समस्या के हल के बारे में सरकार को विचार करना चाहिए । जलाशयों के आस पास गंदगी न चली जाए, इस प्रकार की व्यवस्था बनायी जानी चाहिए । खेतों में विषैले रसायनिक पदार्थ न मिलाये जाएं क्योंकि रसायनिक पदार्थ जब बहकर नदियों में जाते हैं तो उससे नदियों का जल विषाक्त हो जाता है, जिससे महाबीमारियां फैलती है । इस प्रकार की रोकथाम के लिए जल वातावरण, जन चेतना और जनता की भागीदारी जरुरी है ।

मंत्री जी निश्चित रूप से इन सबके बारे में विचार करेंगे । यह विधेयक जो लाये हैं वह एक सराहनीय प्रयास है लेकिन केवल, जैसा मैंने कहा कि कानून बनाने से या विधेयक प्रस्तुत करने से काम नहीं चलेगा । जिस जनता को प्रदूषण से मुक्त करने के लिए यह सार्थक पहल की जा रही है जिस पवित्र भावना से यह बिल लाया गया है इसके लिए जरुरी है कि जनता की भागीदारी इसमें की जाए और ऐसे बोर्ड का हर जगह गठन किया जाए जिसमें जनता के प्रतिनिधि नीचे की लेविल से डिवीजनल लेविल और स्टेट लेविल तक हों ताकि वे समय समय पर देख पायें कि वे कौन कौन सी इंडस्ट्रीज हैं जो इस प्रकार के संयंत्रों का उपयोग नहीं कर रही हैं जिनका उपयोग न करने से पास की नदियों में जल विषाक्त हो रहा है जिससे कि वहां के रहने वाले लोगों पर दुष्प्रभाव हो रहा है ।

इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं ।

THE DEPUTY CHAIRMAN: Mr. Viren J. Shah. Nine minutes.

SHRI VIREN J. SHAH (Maharashtra): Madam Chairperson, I was just now told that I should also follow the practice that you ring four bells and only thereafter I should stop...

THE DEPUTY CHAIRMAN: Nine minutes; I am announcing it.

SHRI VIREN J. SHAH: That I should stop only after you ring the fourth bell...

THE DEPUTY CHAIRMAN: So, I am starting it from now.

SHRI VIREN J. SHAH: Unfortunately, my habit has been that on the first bell I stop. That is why, I intend to talk in a kind of shorthand and staccato.

First of all, the concern for ecology is a vital thing and there are no two opinions. Madam, I think you have requested people not to sit next to the Minister so that his attention is not diverted.

Madam, our experience with what is happening to the forests is two-fold; one is the need of the poor for fuel. On the other side is the greed of powerful per- We have seen in the Himalayan region other side is the greed of powerfull persons. What about the rivers in the Himalayan an region? Some objections were raised in the morning when a reference was made to the Ganga Action Plan. In this connection, I would like to invite the attention of the hon. Minister to the 'Financial Express' of yesterday, i.e. 10th December, page 3. This is about the environmental problems of Gangotri. The Himalayan Environmental Development Study has

come to the conclusion that the Gangotri is the most polluted area in the Himalayan region. This is the source of Ganga. In another context, Dr. Ram Manohar Lohia once said in the other House—

जब गंगोत्री मैली होती है, तो गंगा कैसे पवित्र हो सकती है।

Now this is happening in a literary sense. But there are specific instances available which, I hope, the hon. Minister will take care of, by loowing at them.

Apart from this, rivers are polluted because of negligence, carelessness and inconsideration at all levels. There is negligence in the urban areas as well as in the rural areas. In the urban areas, there are the effects of industrial growth. Then, there are the motorised vehicles. I do not think many people spoke about carbon monoxide today. Because of all this, we brought forward an Act in 1974. Then, we brought forward an amendment in 1977. The objects are same. I read the objects of the 1974 and of the 1977 Acts. When you compare them with the objects in this Bill, they are identical. None would quarrel with the objects. The problem is one of implementation. Would he like to study that from 1974 to 1991, from 1977 to 1991, despite these Acts, why have we not, so far, achieved what we could have, and should have? Has any serious study been made of the functioning of the Pollution Control oBards? Are the results commensurate with the expenses? A reference was made to this. Why are the results not commensurate with the expenses? This is because, the appointments in the Pollution Control Boards are political appointments. There are corrupt practices.

There is no serious concern about ecology. I know I am making a serious charge, but I am making it with all the responsibility. The concern for ecology and environment, which we feel here, which the hon. Minister feels,—I am told, in the other House, the debate on this Bill went on for three days—is not evident. The functioning of the Pollution Control Boards is the main cause for this. The Minister may say that this is a State subject. But this Bill is going to give powers to the States. What are we going to do now? We are going to provide more money tot the same people to manage in the same manner, to mismanage in the same manner. Therefore, Madam Deputy Chairman, we would like to be enlightened by the hon. Minister. How does he propose to achieve these objectives which we could not achive so far, to the extent one would have desired?

I would suggest that there should be some mechanism to ensure accountability of the State Pollution Control Boards. Please do not take shelter under the argument that this is a State subject. There are also a couple of other practical aspects.

Suggestions have been made by several hon. Members in regard to technology and equipment. Just now, the hon. Member from the other side spoke about the various industries. From what little acquaintance that I have, I have found that, in the last few years, because of the duality of policy, those who wanted to import and instal pallution control equipment, because they are not available in the country, could not get licences for three-five years. Meanwhile, the factory is set up and pollution goes on. Would the Ministry of Environment intervene and prevent such delays? Unfortunately, an impression has been created some of his own Cabinet colleagues have said—that the Ministry of Environment has become the cause for delays, particularly, in the case of power projects. I would like the Ministry of Environment to be a catalytic agent. I do not want that it should be the cause for delays. I would like the Ministry of Environment to be a catalytic agent to prevent such delays which other Ministries may be unwittingly causing. I had pointed out to the Minister about the D.G.T.D. and the CEL. They are working together. It is a good thing.

I think, there should have been consultation with the users of water, particularly, the industrial users prior to the Bill. Merely making a law is not adequate. We have to involve the people. We have to

[Shri Viren J. Shah]

motivate the people. Merely the Ministers going to a meeting, making a speech prepared by whoever it is, and going away, will not serve any purpose. The Minister should listen to them. Or, the officers should. I do not think this was done. About cess on drinking water, particularly for the poorer people, I am of the same opinion as has been expressed by Shrimati Jayanthi Natarajan, Mrs. Sinha and some other Members that this is something which may require a re-look, because drinking water is not going to be either a waste or for raising resource. Similarly, because of the object that water is not an everlasting resource, this needs to be reconsidered. Now there are people who use sea water for cooling tower purposes. That cold water is much more purified and not polluted. You might also consider whether users of sea, which is a kind of an unending resource, which come through cooling process, are also made to pay the cess, particularly when double jeopardy has been brought in, cess has been increased and rebate has been reduced. You might want to consider this.

Last couple of points. I have been fighting about noise pollution since 1972 in the city of Bombay, making the Chief Minister to hold meetings without result. Delhi has a law. Merely passing a law is not enough. It is not being effectively implemented. Delhi is one example of this. There is the carbon monoxide produced on account of moving vehicles and trucks. For that also there is a law. The hon. Minister is aware of that law. If you go on to Mathura Road near Friends Colony, you will find trucks moving from 2 a.m. in the morning, blowing horns. How are you going to check this, how are you going to implement the law? What steps will you take to implement the provisions of the Bill which you have brought forward today? The whole House is supporting the Bill. We are supporting and...

पचौरी जी, दो मिनट रुकिए, आ जब बोल रहे थे तो मैं वहां जाकर नहीं बैठा था।

Ecology is too precious to trifle with and I think much greater and serious attention is required, not only because it is a Money Bill but because of the general genuine concern expressed by the whole House, regardless of the party affiliations We are supporting the Bill and I am going to support it when I sit down.

SHRI KAMAL NATH: Will you hear my reply also?

SHRI VIREN J. SHAH: I have to go to the Parliament House Annexe. There is a meeting at 2.30.

So, I repeat again, before I sit down, that I am going to support the Bill but please think about the ways to implement it better than the Bills of 1974 and 1977. With carbon monoxide 60 per cent of air is polluted.

Thank you, Madam, you did not have to ring the bell.

THE DEPUTY CHAIRMAN: Yes, because you finished within time or less than that. I have only two minutes left. Mr. Bagrodia.

SHRIMATI JAYANTHI NATARAJAN: There is a statement on Cauveri water at 2.30. When will this be taken up because we have to finish it?

SHRI KAMAL NATH: With the permission of the House and with your permission, I have to make a suggestion. At 2.30 there is a statement on Cauvery water issue and at 3.00 there is another discussion.

THE DEPUTY CHAIRMAN: At 3.00 there is no other discussion.

SHRI KAMAL NATH: There is a Calling Attention.

THE DEPUTY CHAIRMAN: Then that will have to be interrupted.

SHRI KAMAL NATH: If the House agree I have also to gather some information based on the points raised by some of the hon. Members. Could we take it up at 4.00?

SHRIMATI JAYANTHI NATARAJAN: We can interrupt the Calling Attention for some time because this is a very important Bill.

THE DEPUTY CHAIRMAN: Well, if it is the opinion of the House, if you want to interrupt it, it is fine.

I have already explained the difficulty in the morning, after the Question Hour, that this comes under a Money Bill and today is the last date. The Money Bill has to be returned to the Lok Sabha before the Lok Sabha rises so that it is reported before that.

SHRI KAMAL NATH: We have taken one hour and ten minutes. We can take another one honr and forty-five minutes.

THE DEPUTY CHAIRMAN: No, no. We can ask some people to withdraw their names because you will also have to speak.

SHRI SANTOSH BAGRODIA (Rajasthan): Could I suggest that we request the Lok Sabha to continue till mid-night today?

THE DEPUTY CHAIRMAN: You may do that. It is up to you and for the Lok Sabha if it listens to you.

SHRIMATI JAYANTHI NATARAJAN: We can take it up at 4 o'clock.

THE DEPUTY CHAIRMAN: The House is adjourned for one hour for lunch and this Bill will be taken up at 4.00.

The House then adjourned for lunch at thirty minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock, **The Vice-Chairman (Prof. Chandresh P. Thakur)** in the Chair.

STATEMENT BY MINISTER

Cauvery Water Dispute

THE MINISTER OF WATER RESOURCES (SHRI VIDYA CHARAN SHUKLA): Mr. Vice-Chairman, Sir,

After the Cauvery Water Disputes Tribunal pronounced its Interim Order on 25-6-1991, various representations were received by the Government on the question whether the Government should or should not publish the Order by notifying it in the official Gazette, in order to make it effective. In the replies to questions raised in Parliament on this issue, Government had clarified on 21-7-1991 in the Rajya Sabha that the Order would be effective from the date of its pronouncement by the Tribunal and that, in order to be effective, it does not have to be published in the Gazette.

In the meanwhile, the Government of Karnataka promulgated an Ordinance on 25-7-1991 in respect of the use of Cauvery waters in Karnataka. Since the legal position on various questions arising out of the said Ordinance and the Interim Order of the Tribunal needed clarifications, the President of India referred the matter to the Supreme Court for its opinion under Clause (1) of article 143 of the Constitution. The Supreme Court pronounced its opinion on 22-11-1991 as follows:—

"The Karnataka Cauvery Basin Irrigation Protection Ordinance, 1991 passed by the Governor of Karnataka on 25th July, 1991 (now the Act) is beyond the legislative competence of the State and is therefore, *ultra vires* the Constitution".

"The Order of the Tribunal dated June 25, 1991 constitutes report and decision within the meaning of Section 5(2) of the Inter-State Water Disputes Act, 1956".

"The said Order is, therefore, required to be published by the Central Government in the official Gazette under Section 6 of the Act in order to make it effective".

"A Water Disputes Tribunal constituted under the Act is competent to grant any interim relief to the parties to the dispute when a reference for such relief is made by the Central Government".

"Whether the Tribunal has power to grant interim relief when no reference is made by the Central Government for such relief is a question which does not arise in the facts and circumstances under which the reference is made. Hence we do not deem it necessary to answer the same".